

FORM PTO-139/1
(REV. 11-2003)

US DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER
128125**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
10/582,674INTERNATIONAL APPLICATION NO.
PCT/FR2004/050748INTERNATIONAL FILING DATE
December 22, 2004PRIORITY DATE CLAIMED
December 23, 2003

TITLE OF INVENTION

ISOLATED CYTOTOXIC FACTOR ASSOCIATED WITH MULTIPLE SCLEROSIS AND METHOD OF DETECTING SAID
CYTOTOXIC FACTOR

APPLICANT(S) FOR DO/EO/US

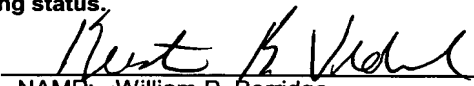
Herve PERRON; Anne EVENO-NOBILE; Jacques PORTOUKALIAN; Nicole BATTAIL-POIROT

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
 - c. ☐ The International Application was filed in English.
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 10/582,674		INTERNATIONAL APPLICATION NO. PCT/FR2004/050748		ATTORNEY'S DOCKET NUMBER 128125	
21. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS	
				PTO USE ONLY	
BASIC NATIONAL FEE (37 CFR 1.492(a)): \$ 300.00				\$	
SEARCH FEE (37 CFR 1.492(b)(1)-(3)):				\$	
International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national phase \$ 0.00					
International search fee (37 CFR 1.445(a)(2)) paid to USPTO as ISA \$ 100.00					
International search report provided to USPTO no later than the time at which the search fee is paid \$ 400.00					
All situations not provided for above \$ 500.00					
EXAMINATION FEE (37 CFR 1.492(c)(1)-(2)):				\$	
International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national phase \$ 0.00					
All situations not provided for above \$ 200.00					
Surcharge of \$130.00 for furnishing the search fee, the examination fee or the oath or declaration after the date of commencement of the national phase (37 CFR 1.492(h)).				\$	
APPLICATION SIZE FEE					
Total pages - 100 =	÷ 50	= †	x 250 =	\$	
†round up to next integer					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
TOTAL CLAIMS	- 20	=	x 50.00 =	\$	
INDEPENDENT CLAIMS	- 3	=	x 200.00 =	\$	
MULTIPLE DEPENDENT CLAIM(S)(if applicable)			+ 360.00 =	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$40.00	
TOTAL FEES ENCLOSED =				\$40.00	
				Amount to be refunded:	\$
				charged:	\$
a. <input checked="" type="checkbox"/> Check No. 183730 in the amount of \$40.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0461. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: OLIFF & BERRIDGE, PLC Customer Number: 25944					
Date <u>September 1, 2006</u>			 NAME: William P. Berridge REGISTRATION NUMBER: 30,024		
			NAME: Kristin K. Vidovich REGISTRATION NUMBER: 41,448		

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Herve PERRON et al.

Group Art Unit:

Application No.: 10/582,674

Examiner:

Filed: June 12, 2006

Docket No.: 128125

For: ISOLATED CYTOTOXIC FACTOR ASSOCIATED WITH MULTIPLE SCLEROSIS AND
METHOD OF DETECTING SAID CYTOTOXIC FACTOR

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

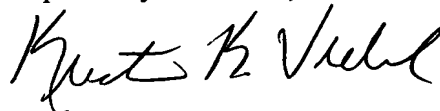
Sir:

Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

- ☒ 1. This Information Disclosure Statement is being filed (a) within three months of the U.S. filing date of this non-CPA application, OR (b) before the mailing date of a first Office Action on the merits in the present application. No certification or fee is required.
- ☒ 2. One or more reference cited herein was cited in the International Search Report. An English language version of the International Search Report is attached for the Examiner's information. See References 1-4.
- ☒ 3. In accordance with 37 CFR §1.98(a)(2)(ii), copies of any U.S. patents and patent application publications are not attached.
- ☒ 4. An English language Abstract of one or more non-English language reference is attached hereto. See Reference 2.

- ☒ 5. Reference 1 is an English Language version of WO 01/05422 on the International Search Report.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Kristin K. Vidovich
Registration No. 41,448

WPB:KKV/smo

Date: September 1, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**

Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

Form PTO-1449 (REV. 1/06)		US Dept. of Commerce PATENT & TRADEMARK OFFICE		ATTY DOCKET NO. 128125		APPLICATION NO. 10/582,674	
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				APPLICANT(S) Herve PERRON et al.			
				FILING DATE June 12, 2006			
U.S. PATENT DOCUMENTS							
Examiner Initials	Cite No.	Document Number	Date	Name			
	1.	7,081,345 B1	07/25/2006	Roecklin et al.			
FOREIGN PATENT DOCUMENTS							
Examiner Initials	Cite No.	Document Number	Date	Country	With English Abstract	With English Translation	
OTHER DOCUMENTS							
Examiner Initials	Cite No.	(Including Author, Title, Date, Pertinent Pages, etc.)					
	2.	Rieger, F. et al., "Un facteur gliotoxique et la sclérose en plaques - Gliotoxicity in multiple sclerosis," <i>C. R. Acad. Paris, Sciences de la vie/Life sciences</i> 319: 343-350 (1996)					
	3.	Malcus-Vocanson, C. et al., "Glial toxicity in urine and multiple sclerosis," <i>Multiple Sclerosis</i> 7: 383-388 (2001)					
	4.	Ménard, A. et al., "A gliotoxic factor and multiple sclerosis," <i>Journal of Neurological Sciences</i> 154: 209-221 (1998)					
	5.	Malcus-Vocanson, C. et al., "A urinary marker for multiple sclerosis," <i>Lancet</i> 351: 1330 (May 1998)					
	6.	Ménard, A. et al., "Gliotoxicity, reverse transcriptase activity and retroviral RNA in monocyte/macrophage culture supernatants from patients with multiple sclerosis," <i>FEBS Letters</i> 413: 477-485 (1997)					
	7.	Ménard, A. et al., "Detection of a gliotoxic activity in the cerebrospinal fluid from multiple sclerosis patients," <i>Neuroscience Letters</i> 245: 49-52 (1998)					
	8.	Benjelloun, N. et al., "DNA Fragmentation in Glial Cells in a Cerebral Biopsy from a Multiple Sclerosis Patient," <i>Cellular and Molecular Biology</i> 44(4): 579-583 (1998)					
	9.	Blazar, B.R. et al., "Anti-CD3εF(ab) ₂ Fragments Inhibit T Cell Expansion in Vivo During Graft-Versus-Host Disease or the Primary Immune Response to Nominal Antigen," <i>Journal of Immunology</i> 159: 5821-5833 (1997)					
	10.	Bird, R.E. et al., "Single-Chain Antigen-Binding Proteins," <i>Science</i> 242: 423-426 (October 1988)					
EXAMINER					DATE CONSIDERED		
Examiner: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

Date: September 1, 2006

Form PTO-1449 (REV. 1/06)		US Dept. of Commerce PATENT & TRADEMARK OFFICE		ATTY DOCKET NO. 128125		APPLICATION NO. 10/582,674	
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				APPLICANT(S) Herve PERRON et al. FILING DATE June 12, 2006			
U.S. PATENT DOCUMENTS							
Examiner Initials	Cite No.	Document Number	Date	Name			
FOREIGN PATENT DOCUMENTS							
Examiner Initials	Cite No.	Document Number	Date	Country	With English Abstract	With English Translation	
OTHER DOCUMENTS							
Examiner Initials	Cite No.	(Including Author, Title, Date, Pertinent Pages, etc.)					
	11.	Arakawa, F. et al., "Cloning and Sequencing of the V _H and V _K Genes of an Anti-CD3 Monoclonal Antibody, and Construction of a Mouse/Human Chimeric Antibody," <i>Journal of Biochemistry</i> 120: 657-662 (1996)					
	12.	Chaudhary, V.K. et al., "A recombinant immunotoxin consisting of two antibody variable domains fused to <i>Pseudomonas</i> extotoxin," <i>Nature</i> 339: 394-397 (June 1989)					
	13.	Jones, P.T. et al., "Replacing the complementarity-determining regions in a human antibody with those from a mouse," <i>Nature</i> 321: 522-525 (May 1986)					
	14.	Riechmann, L. et al., "Reshaping human antibodies for therapy," <i>Nature</i> 332: 323-327 (March, 1988)					
	15.	Galiana, E. et al., "Establishment of Permanent Astroglial Cell Lines, Able to Differentiate in Vitro, From Transgenic Mice Carrying the Polyoma Virus Large T Gene: An Alternative Approach to Brain Cell Immortalization," <i>Journal of Neuroscience Research</i> 26: 269-277 (1990)					
EXAMINER					DATE CONSIDERED		
Examiner: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

Date: September 1, 2006